

REGULAR MEETING of the Town Council held Wednesday, January 9, 2013 at 7:00 P.M. in the Council Chamber, Town Building, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.

PRESENT: Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson

MEMBERS ABSENT: None

Council President Nancy F. Binns announced that items would be taken out-of-order. The meeting began with recognition of the Burrillville High School Broncos Girls Field Hockey Team.

12-270 VOTED to open a request from Councilor John F. Pacheco III to recognize the Burrillville High School Broncos Girls Field Hockey Team on winning the 2012/2013 Division II Championship.

Motion by Councilor John F. Pacheco III. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

Councilor Pacheco commended the Burrillville High School Broncos Girls Field Hockey Team and distributed certificates to the players

and coaches.

Burrillville High School Broncos Girls Field Hockey—2012/2013

Division II Champions

Captain Alexandra M. LeClair Kasey Desrosiers Chelsea Parkhurst

Megan Gilmore Erica Houle Alexandra M. Boisvert

Alisha M. Marcotte Samantha Moriarty Samantha DeSalvo

Mikayla B. Fernandez Captain Brittney Bebeau Alana Richardson

Kristina Iavarone Shannon Smith Captain Laura E. Hauser

Rebecca Raymond Gabrielle Belisle Sierra Roberts

Brianna Durand Kalen Valliere Destyni Goetz

Head Coach Susan Burgess Assistant Coach Kristina Gingell

1. Request for Executive Session:

13-001 VOTED to grant the request for Executive Session from Timothy F. Kane, Town Solicitor, pursuant to Rhode Island Open Meeting law:

a) [§42-46-5(a)(2)] review and discussion of matters of litigation and expenditures relative to TransCanada

b) [§42-46-5(a)(2)] review and discussion of all pending and potential litigation

c) [§42-46-5(a)(4)] review and discussion of investigative proceedings regarding all allegations of civil or criminal misconduct

d) [§42-46-5(a)(5)] review and discussion of potential acquisition,

disposition or lease of real property for public purposes

e) [§42-46-5(a)(2)] review and discussion of all collective bargaining agreements:

1) between the Town of Burrillville and Council 94, Local 186

2) between the Town of Burrillville and Burrillville Police Department FOP Lodge No. 27

3) between the Burrillville School Committee and Burrillville Teachers' Association

Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

There was a recess before executive session.

The Town Council returned to open session at 8:20 P.M.

VOTED to seal the minutes of executive session, noting that no votes had been taken.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Stephen N. Rawson. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown,

John F. Pacheco III, David J. Place and Stephen N. Rawson.

2. Council President Nancy F. Binns called for a moment of silence in memory of Wilfred F. “Skee” Carter III, a highly-respected retired Burrillville Teacher and coach who died on January 2, 2013 and in memory of the victims of the school shooting in Newtown, CT. The moment of silence was followed by those present pledging allegiance to the flag.

3. VOTED to accept the minutes of the regular meeting held December 12, 2012 and dispense with the reading of said minutes.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

4. Public Comment: None

5. General Good and Welfare of the Town of Burrillville

Councilor Edward J. Blanchard recognized the benefits of the gateway projects identifying town boundaries.

Councilor David J. Place announced CPR training scheduled by the

Nasonville Fire District.

Councilors Wallace F. Lees and Kimberly Brissette Brown were wished happy birthdays.

6. Petitions: None

7. Special Business:

12-270 Consider and act on a request from Councilor John F. Pacheco III to recognize the Burrillville High School Broncos Girls Field Hockey Team on winning the 2012/2013 Division II Championship.

Note: This item was addressed earlier in the meeting.

13-002 VOTED to grant an Annual Rubbish License to John Rambone d/b/a Rambone Disposal Services, Inc., 2153 R. Plainfield Pike, Johnston to apply throughout the Town of Burrillville (2 trucks).

Motion by Councilor Wallace F. Lees. Seconded by Councilor Stephen N. Rawson. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

8. Public Hearing: None

9. Unfinished Business:

12-264 VOTED to receive and file the correspondence from George L. Smith, Landcraft Corporation, regarding his withdrawal of application for adoption of a zoning amendment for large-scale ground-mounted solar photovoltaic installations.

Motion by Councilor Stephen N. Rawson. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

12-273 VOTED to open the Burrillville Town Council Rules of Order, sixth revision dated April 25, 2012, pursuant to the Town Charter of the Town of Burrillville, Sec. 3.15, Procedures and Conduct of Meetings; continued from earlier meetings.

Motion by Councilor David J. Place. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

Discussion: Councilor David J. Place explained his request.

VOTED to strike from the Rules of Order Rule 4B “hearing body” and replace with “Council President”.

Motion by Councilor David J. Place. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

Councilor David J. Place recommended that Rule 7, Sec. C. 3, be amended, adding “and to the Council President in particular” at the end of the paragraph.

VOTED to add that to the Rules of Order.

Motion by Councilor David J. Place. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

Councilor David J. Place recommended that Rule 8, Standing Committees, be amended to reflect the practice of the Town Council electing members of the standing committees.

VOTED to strike “President shall appoint and the Council shall

confirm” and replace it with “shall elect from amongst itself”.

Motion by Councilor David J. Place. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

Councilor David J. Place recommended changes to Rule 8, Sec. D. Referral.

VOTED to strike “may be” and replace with “All items for consideration by the standing committees shall have been referred by the Town Council as a whole prior to the subcommittee taking up an item.”.

Motion by Councilor David J. Place. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

Councilor David J. Place recommended changes to Rule 8, Sec. E. Recommendations.

VOTED to strike “may be” and replace it with “shall be”; and also

further on “shall be shown on committee reports/recommendations if requested by said minority with the dissenting votes reflected”.

Motion by Councilor David J. Place. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

Councilor David J. Place recommended amendments to Rule 9 – Intragovernment, Sec. A. Solicitor, by striking the sentence “No member of the Town Council shall request the legal opinion about town business from the town’s appointed attorney(s) without prior approval of the majority vote of the Council.” Councilor Place recommended replacing the language with the following: “All Councilors will be allotted each fiscal year the equivalent of 1% of the Solicitors prior fiscal years billable hours to request a legal opinion about town business or about any policy issue a councilor is considering or that has been brought before the Council from the Solicitor.”

The matter was discussed.

MOTION to amend the rules of order as stated.

Motion by Councilor David J. Place. Seconded by Councilor Edward

J. Blanchard. The motion failed, one in favor, six opposed. Voting in favor of the motion was Councilor David J. Place. Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, and Stephen N. Rawson voted in opposition.

Councilor David J. Place recommended amendments to Rule 9 – Intragovernment, Sec. B., Department Heads, by adding the following: “This shall in no way prohibit a Councilor or a Town of Burrillville Employee voluntarily discussing anything that could result in the Council taking action under Subsection 3.14(I) of the Burrillville Town Charter. No employee who takes part in such discussions shall face any disciplinary action.” The recommendation was discussed. The Town Solicitor offered the opinion that the proposal would conflict with the charter. Councilor Place withdrew the recommendation.

It was noted that the Council Rules of Order can be amended only by a resolution of the Town Council. A resolution would be prepared for the next agenda.

Council President Nancy F. Binns proposed amendments to the Rules of Order that codify the role of Council Liaison.

VOTED to adopt the resolution, as presented, as follows:

Burrillville Town Council

Resolution

The Burrillville Town Council Rules of Order are hereby amended by adding Section E. Town Council Liaison to Rule 9 – Intragovernment Communication/Interaction

E. The role of a Town Council liaison shall be to facilitate communications when necessary between a Board, Commission or Agency, and the Town Council and/or Town Manager as circumstances may warrant. Liaisons are not required to attend Board, Commission, or Agency meetings but are encouraged to attend and observe as their schedules may permit. A Council liaison shall not give direction to a Board, Commission, Agency or staff nor shall a liaison convey information, an opinion or recommendation on behalf of the Town Council unless the Council has formally voted on the subject matter. Nothing herein shall prohibit a Council liaison from commenting on a matter before a Board, Commission or Agency during public comment period or at other appropriate times in his or her capacity as an abutter or as a private citizen and the liaison shall state the same for the public record.

Adopted this 9th day of January 2013

Motion by Councilor David J. Place. Seconded by Councilor Kimberly Brissette Brown. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors

Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

10. New Business:

13-003 VOTED to declare surplus certain items, as listed in the December 28, 2012 memorandum from Edward J. Pienkos, Information Systems Manager.

Motion by Councilor Edward J. Blanchard. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

13-004 VOTED to open the correspondence from Councilor John F. Pacheco III regarding School Safety Preparedness.

Motion by Councilor Edward J. Blanchard. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

Discussion: Councilor John F. Pacheco III commented that he was generally satisfied with the administration's response to his questions related to school safety. Councilor Pacheco noted that

students transferring into the district may enter school prior to being properly vetted. Councilor Pacheco suggested that changes are needed to the state law that allows for this procedure. There was discussion of school safety procedures.

13-005 Correspondence from Councilor Wallace F. Lees, Chairman, Screening Subcommittee, regarding the Screening Subcommittee recommendations.

VOTED to appoint Aaron Coutu to complete an unexpired three-year term on the Recreation Commission; term to expire October 31, 2013.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

VOTED to appoint Cynthia Carlozzi to serve on the Rubbish and Recycling Committee.

Motion by Councilor Wallace F. Lees. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

VOTED to appoint Donison Allen to complete an unexpired one-year term as an alternate member of the Budget Board; term to expire June 30, 2013.

Motion by Councilor Wallace F. Lees. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

VOTED to appoint Dr. Kenneth E. Milligan III to complete an unexpired one-year term as an alternate member of the Budget Board; term to expire June 30, 2013.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

13-006 Correspondence from Councilor Wallace F. Lees, Chairman, Screening Subcommittee, regarding the Screening Subcommittee recommendation that §16.5-51 et seq be referred to the Ordinance Subcommittee for review and recommendation on whether this provision can and should be eliminated.

VOTED that it be referred to the Ordinance Subcommittee.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

13-007 VOTED to refer to the Screening Subcommittee the application from Joseph Schmeltz for reappointment to the Board of Assessment Review.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

13-008 Proposed budget dates for public hearings and budget adoption.

VOTED to open.

Motion by Councilor Edward J. Blanchard. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the

motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

VOTED to approve the calendar as presented, as follows:

BUDGET CALENDAR – Fiscal Year Ending June 30, 2014

(Capital & Operating Budgets)

November/December Departments Prepare Budget Requests - Operating and Capital

December 12, 2012 Department Capital Improvement Requests Due

January 4, 2013 Municipal Departments submit Operating Budget Requests to Town Clerk/Finance

January 16, 2013 Municipal Departments meet with Budget Board

January 17, 2013 Municipal Departments meet with Budget Board

January 24, 2013 Budget Board – Special Appropriations review

January 28, 2013 Joint pre-budget meeting – Town Council, School Committee and Budget Board

February 14, 2013 School Administration/School Committee meets with Budget Board.

March 4, 2013 Budget Board submits Capital Budget (CIP) Program to Town Manager

(Target Date)

March 22, 2013 Manager submits his Capital Budget (CIP) recommendations to the Town Council

March 22, 2013 Public Notice of the Public Hearing on Capital

Budget (CIP) Program

March 27, 2013 6:30 p.m. Public Hearing – CIP Program

Adoption of FYE 2014 CIP Program

April 1, 2013 Budget Board submits FYE 2014 Operating Budget recommendations to Town Manager (Charter Due Date)

April 26, 2013 Manager submits his Operating Budget recommendations to the Town Council (Target Date)

April 29, 2013 Town submits budget data and ads to the State for review and approval.

May 6, 2013 Manager submits his Operating Budget recommendations to the Town Council (Charter Due Date)

May 16, 2013 Last Date that three (3) ads need to appear advising the public of the proposed budget, proposed tax changes, and dates of public hearings. The final ad needs to appear at least seven (7) days before the first public hearing.

**May 23, 2013 7:00 p.m. 1st Public Hearing – Municipal Budget
Town Council Chambers**

**May 30, 2013 7:00 p.m. 2nd Public Hearing – School Budget
Town Council Chambers**

June 6, 2013 7:00 p.m. - Additional Public Hearing Date (if necessary)

Town Council Chambers

June 12, 2013 7:00 p.m. - Budget Adoption (1st Council Meeting in June)

**June 26, 2013 7:00 p.m. - Final Budget Adjustments (if necessary)
(2nd Council Meeting in June)**

July 1, 2013 New Fiscal Year begins

Council Workshops May be scheduled as needed before or after the Public Hearings.

We have reserved the first week of June for workshops unless there are other dates for us to consider.

Other Dates:

March 1 Deadline for notice of reduction in Teaching Workforce

Charter References –

April (First Monday) Latest date Budget Board shall submit its recommendations to the Manager

May (First Monday) Latest date Manager shall submit its recommendations to the Town Council

June (First Monday) Latest date that two (2) Public Hearings must be held.

Budget Adoption Council Adopts Budget No later than June 15th

**Line Item Veto Manager may veto any item within seventy-two hours
Council may override the veto by affirmative vote of four (4) members**

Voter Initiative Referendum on changes to department budgets may be held upon the petition of fifteen percent (15%) of the voters.

NOTE: BOLD Print references important Town Council Dates.

Motion by Councilor David J. Place. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F.

Pacheco III, David J. Place and Stephen N. Rawson.

13-009 VOTED to authorize Council President Nancy F. Binns to sign easement to certain property, as described, to The Narragansett Electric Company.

Motion by Councilor Stephen N. Rawson. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

13-009(a) VOTED to open the correspondence from Councilor David J. Place regarding unfunded mandates.

Motion by Councilor David J. Place. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

Discussion: Councilor David J. Place explained his recommendation that the Town Council compile a specific list of unfunded mandates to which they object so that Town Council requests for the legislators to oppose unfunded mandates would be more meaningful. The matter was discussed. The Manager indicated that he would attempt to prepare a list for the Town Council's consideration.

11. Town Clerk/Communication:

13-010 VOTED to receive and file the letter of thanks from Rhode Island Mentoring Partnership.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Stephen N. Rawson. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

13-011 VOTED to receive and file the Superior court decision on PC-2007-3323, Bradley J. Perry V. Town of Burrillville Zoning Board of Review

Motion by Councilor Wallace F. Lees. Seconded by Councilor Stephen N. Rawson. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

12. Additional New Business: None

13. VOTED to adjourn at 9:28 P.M.

Motion by Councilor David J. Place. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.

The meeting was recorded.

Louise R. Phaneuf, Town Clerk